

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM
COMMITTEE

DEPARTMENT/AGENCY Department of Education
DIVISION Accountability
DIVISION DIRECTOR Charity Smith
CONTACT PERSON Barbara Patty
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PHONE NO. 501-682-5535 FAX NO. 501-682-5118

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after ☐ Short Title of this Rule ☐ below.
- D. Submit two (2) copies of this questionnaire attached to the front of two (2) copies of your proposed rule and mail or deliver to:

Donna K. Davis
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

- 1. What is the short title of this rule? *National Board for Professional Teaching Standards*
- 2. What is the subject of the proposed rule?
To establish the selection criteria and financial incentives for state support of Arkansas teachers to participate in the National Board Professional for Professional Teaching Standards.
- 3. Is this rule required to comply with federal statute or regulations?
Yes _____ No xx _____

If yes, please provide the federal regulation and/or statute citation.
- 4. Was this rule filed under the emergency provisions of the Administrative Procedures Act? Yes _____ No xx _____
If yes, what is the effective date of the emergency rule?

When does the emergency rule expire?

Will this emergency rule be promulgated under the regular provisions of the Administrative Procedure Act? Yes _____ No _____

5. Is this a new rule? Yes _____ No xx

Does this repeal an existing rule? Yes _____ No xx

If yes, please provide a copy of the repealed rule.

Is this an amendment to an existing rule? Yes If yes, please attach a markup showing the changes in the existing rule and a summary of the substantive changes. *Attached*

6. What state law grants the authority for this proposed rule? If codified, please give Arkansas Code citation. *Ark. Code Ann. § 6-11-105 and 6-17-413*

7. What is the purpose of this proposed rule? *To improve student learning by strengthening teaching, to encourage teachers to participate in and complete NBPTS certification, to outline the establishment of a support program for NBPTS, and to establish the mechanism for selection of teacher participants.*

Why is it necessary? *Act 1060 of 2001 changed certain provision of previous legislation, necessitating revised rules and regulations.*

8. Will a public hearing be held on this proposed rule? Yes xx No _____

If yes, please give the date, time, and place of the public hearing.
Wednesday, October 10, 2001 at 2 p.m. in the Auditorium of the Department of Education

8. When does the public comment period expire?

October 20, 2001

9. What is the proposed effective date of this proposed rule?

December 20, 2001

11. Do you expect this rule to be controversial? Yes _____ No xx

If yes, please explain.

12. Please give the names of persons, groups, or organizations which you expect to comment on these rules. Please provide their position (for or against) if known.

Arkansas Education Association (for)

PLEASE ANSWER ALL QUESTIONS COMPLETELY

July 28, 1995

DEPARTMENT Department of Education
DIVISION Accountability
PERSON COMPLETING THIS STATEMENT Barbara Patty
TELEPHONE NO. 501/682-5535 FAX NO. 501/682-5118

FINANCIAL IMPACT STATEMENT

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE National Board for Professional Teaching Standards

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
Yes _____ No xx _____

2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain. *Not applicable*

3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2001-02 Fiscal Year

2002-03 Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other _____
Total _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other _____
Total _____

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? No cost to individuals

2001-02 Fiscal Year

2002-03 Fiscal Year

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2001-02 Fiscal Year

2002-03 Fiscal Year

\$500,000

\$500,000

July 28, 1995

DEPARTMENT OF EDUCATION
FISCAL IMPACT STATEMENT
OF PROPOSED REGULATION
(In compliance with Acts 884 and 1253 of 1995)

Regulation Title: *Rules and Regulations governing Eligibility and Financial Incentives for National Board for Professional Teaching Standards*

Summary Description of Regulatory Proposal: *Improving student learning by strengthening teaching through encouraging teachers to participate in and complete NBPTS certification.*

Cite Statutory Authority for this Regulatory Proposal: *Ark. Code Ann. § 6-11-105 and 6-17-413*

- I. Fiscal Impact on the Department: (include whether impacts are non-recurring or recurring)
 - A. Resources Required - Personnel, equipment, office space.
 Personnel – recurring
 - B. Time Required for Implementation.
 Immediate implementation
 - C. Procedural Changes.
 New procedures as required by revised legislation
 - D. Other.
- II. Fiscal Impact on Local School District or Others? (Include whether impacts are non-recurring or recurring) *None*
 - A. Resources Required - Personnel, equipment, office space.
 - B. Time Required for Implementation.
 - C. Procedural Changes.
 - D. Other.
- III. Additional Comments.

Prepared by: (Name) Barbara Patty
 (Title) Program Advisor, Office of Professional Quality Enhancement
 (Date) September 13, 2001

Arkansas Department of Education
Proposed Rules and Regulations Governing Eligibility and Financial Incentives
For National Board For Professional Teaching Standards
Revised August 2001

1.00 Regulatory Authority

- 1.01 These regulations shall be known as the Department of Education (the Department) Regulations for Governing Eligibility and Financial Incentives for National Board for Professional Teaching Standards (NBPTS).
- 1.02 These regulations are enacted pursuant to the State Board of Education=s (State Board) authority under Ark. Code Ann. § 6-11-105 and 6-17-413.

2.00 Purpose

- 2.01 The purposes of these regulations are to improve student learning by strengthening teaching and to encourage teachers to participate in and complete NBPTS certification by authorizing the Department of Education to pay full tuition and incentive bonuses to participants and by establishing eligibility requirements.
- 2.02 The purpose of these regulations is to outline the establishment of a support program for NBPTS.
- 2.03 The purpose of these regulations is to establish the mechanism for the selection of teacher participants, as determined by the amount of funding available for the program.

3.00 Definitions

For the purposes of these Rules and Regulations, the following definitions shall apply:

- 3.01 ACompletion of the certification process@ will be defined as officially being recognized as ~~being Nationally Board-Certified~~ a National Board Certified Teacher (NBCT) by the NBPTS.
- 3.02 ANational Board for Professional Teaching Standards@ will be defined as an independent board which reliably identifies and certifies teachers who meet advanced standards and certifications by effectively enhancing student learning and demonstrating the high level of knowledge and skills, dispositions, and commitments reflected in the following five core propositions:

- 3.02.01 Teachers are committed to students and their learning.
- 3.02.02 Teachers know the subjects they teach and how to teach those subjects to students.
- 3.02.03 Teachers are responsible for managing and monitoring student learning.
- 3.02.04 Teachers think systematically about their practice and learn from experience.
- 3.02.05 Teachers are members of learning communities.
- 3.03 AA support program for candidates@ is a comprehensive process of technical and financial assistance provided to program applicants to ensure successful program completion, as sufficient funds are available.
- 3.04 AThe NBPTS Advisory Committee@ (the Committee) is a ten (10) member team of three (3) National Board Certified Teachers, three (3) National Board facilitators, and four (4) educational administrators or business representatives to include one Department staff member, trained by NBPTS who will select advise the Department on policy issues, assist in the support system, and select candidates based on the following relevant criteria when all candidates cannot be funded; such criteria to be established by the Committee in accordance with law and with final review and approval by the State Board.
 - ~~3.04.01 Credentials will be reviewed by the Advisory Committee to determine eligibility~~
 - ~~3.04.02 Applicants will be reviewed by geographical regions, race, and gender~~
 - ~~3.04.03 A review will be made to determine and~~
 - ~~3.04.04 All applications received will be dated in the order they are received.~~
- 3.05 AClassroom teacher@ means a teacher who is required to hold a standard teaching license from the Department and who is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual=s contracted time, with that 70% not to preclude:
 - 3.05.01 regularly scheduled instructional preparation time during the regular school day;

- 3.05.02 a maximum of one period per day service as an instructional department chair;
- 3.05.03 service as a master teacher in a charter school;
- 3.05.04 service as a mentor to a novice teacher;
- 3.05.05 employment by an educational service cooperative when the teacher provides direct student services for a collaborative of school districts in public school buildings and classroom settings throughout the cooperative area; and
- 3.05.06 instructional specialist positions such as library/media, counselor, or others for whom NBPTS certificates specifically exist.
- 3.06 AClassroom setting@ for purposes of candidacy means full-time assignment to a setting in a specific Arkansas public school building or buildings in which a teacher works directly with a student or students and for purposes of a starting or a yearly bonus means full-time assignment to a setting in a school building or school buildings where an NBCT is directly involved in the instructional process by teaching children, by facilitating the instructional process through work with building teachers in classrooms, or by serving in the role of building principal or assistant building principal.
- 3.07 AStarting bonus@ means a one-time bonus given during the school year in which an individual first obtains National Board certification. The amount can range from \$2,000 to \$5,000 depending on the funds available but will not fall below \$2,000 as approved by the State Board. The Department determines the amount based on funding. A starting bonus may not be paid in the same year as a yearly bonus.
- 3.08 AYearly bonus@ means a bonus which a NBCT receives in each of years two (2) through ten (10) of the 10-year life of the certificate. The amount can range from \$2,000 to \$3,000 depending on the funds available but will not fall below \$2,000 as approved by the State Board. The Department determines the amount based on funding.
- 3.09 ATwo (2) continuous years@ means a two-year period following certification which includes the year of certification and the year immediately following certification.
- 3.10 AThree (3) years of teaching in the Arkansas public school system@, as required for state support of candidacy, shall be credited beginning no earlier than the year in which the initial license to teach in an Arkansas public school is issued.

4.00 Selection Process and Requirements

- 4.01 Qualified applicants will establish eligibility for funding by:
 - 4.01.01 successfully completing the official application process established by the Department;
 - 4.01.02 ~~registering as an applicant through the Office of Professional Licensure~~ never receiving any prior federal or state funding for participation in a certification area in the NBPTS program;
 - 4.01.03 verifying at least three (3) years teaching experience in Arkansas public schools which can include the years following initial licensure, a current standard Arkansas teaching license, and ~~be employed in an Arkansas public school~~ current employment as an Arkansas public school classroom teacher in a classroom setting; and
 - 4.01.04 ~~not having previously received state funding for participation in a certification area in the NBPTS Program~~ teaching in an area which correlates to an available and suitable certificate area.
- 4.02 When candidate demands exceed funding availability, the NBPTS Advisory Committee will review and ~~make~~ recommend to the Department an appropriate selection of candidates to be funded.
- 4.03 At the time that the National Board establishes a certification for school administrators and an Arkansas district-level central office administrator becomes national board certified, the district level central office administrator will be eligible to receive incentive bonuses in the amount awarded to NBCTs for every year for the life of the NBPTS administrator=s certificate.
- 4.04 Achieving NBCT status prior to renewal of the Arkansas standard teaching license satisfies professional development requirements for the period between the beginning and end of that one renewal period; achieving a score of 2.25 or better on each of the ten entries submitted to the NBPTS satisfies one-half of the professional development requirements for the period between the beginning and end of one renewal period.

5.00 Payment of Fees and Bonuses

- 5.01 The Department of Education shall pay full tuition for the NBPTS initial participation fee, one retake entry fee, and up to three days of school release time to qualified teacher applicants as funds are available.

- 5.02 The Department shall pay any ~~selected teacher~~ NBCT who successfully completes the NBPTS certification and is employed in a local an Arkansas public school district as a teacher in accordance with Section 3.05-3.06 of these rules and regulations ~~an incentive bonus of two thousand dollars (\$2,000) upon receiving nbpts certification and a two thousand dollars (\$2,000) bonus for every year for the life of the NBPTS certificate~~ a starting bonus in the first year of certification and a yearly bonus for each of the remaining nine years of the ten-year certificate provided, also, that those teachers who began participating in the NBPTS program on and after August 1, 1997, shall be eligible for payment of the bonus upon receipt of the NBPTS certification.
- 5.03 Any NBCT who moves into the state and teaches in a an Arkansas public school classroom for one year shall be eligible for the two thousand dollars (\$2,000) yearly bonus for every remaining year for in the life of the NBPTS certificate; provided that the same bonus is available to a NBCT who moves into the state and assumes the position of building principal or assistant building principal in a public school district for the life of the NBPTS certificate.
- 5.04 Full participation fee for NBPTS and up to three days of school release time will be paid by the Department of Education for qualified teacher/administrator applicants. Available funds for NBPTS state activities support functions in this order of priority: (a) payment of bonus incentives; (b) initial fee payments; (c) necessary program expenses; (d) support system expenses; and (e) retake entry fees.
- 5.05 No increase in the starting or yearly bonus is retroactive.
- 5.06 The Department will issue a standard Arkansas teaching license to any National Board certified teacher, building-level principal, or building-level assistant principal trained in and licensed by a state other than Arkansas who moves to Arkansas, provided that the NBCT status is current at the time of license application and that the applicant passes the required criminal background check.
- 5.07 An Arkansas-licensed teacher who personally pays the expenses of NBPTS candidacy and becomes a NBCT is eligible for a starting and yearly bonus under the same terms as a NBCT who achieves certification through state fee support.
- 5.08 The Department shall pay any NBCT who has successfully completed the NBPTS certification as a classroom teacher and is employed in an Arkansas public school district as a building principal or assistant building principal a yearly bonus for each of the remaining years of the ten-year certificate.

6.00 Repayment of Fees

6.01 Repayment of state funds for the NBPTS ~~are~~ is required if a recipient:

- 6.01.01 does not complete the certification process within three years after entry,
- 6.01.02 ~~after completing the certification becoming a NBCT with the support of state funds, does not teach in the Arkansas public school system~~ an Arkansas public school classroom in an Arkansas public school district for two (2) continuous school years or serve as a building principal and/or assistant building principal for two (2) continuous years after achieving NBCT status.

6.02 Repayment of funds is not required only due to:

- 6.02.01 death or disability of the teacher, or
- 6.02.02 other serious extenuating circumstances and/or health related problems verified by a licensed physician as may be recognized by the State Board.

6.03 The State Board can revoke a teaching license for failure to repay state funds.

7.00 Support Program for Teachers Selected to Participate in NBPTS

7.01 The State Board will establish a support program for teachers selected to participate in NBPTS by:

- 7.01.01 establishing a variety of support opportunities for such as an annual precandidacy orientation, regular meetings of participants, telephone/email contact with facilitators and NBCTs, and Department intervention with NBPTS if necessary;
- 7.01.02 providing information on NBPTS on the Department web site;
- 7.01.03 providing other assistance, if determined to be necessary by the Department of Education, which may include substitute pay for a maximum of three (3) days of approved paid leave for teachers participating in the NBPTS program; and

- 7.01.04 designating Department staff to coordinate NBPTS activities at the state level ~~serving as a liaison between prospective candidates and NBPTS.~~
- 7.01.05 ~~providing technical assistance to candidates in areas relevant to the candidate=s success, such as video taping and journal reflective writing, and~~
- 7.01.06 ~~providing appropriate level-specific portfolio resource materials to NBPTS candidates.~~

8.00 Monitoring

- 8.01 The local public school district who employs a ~~NBCT~~ NBPTS-certified teacher must report to ADE, Coordinator, Office of Professional Licensure the Department annually the employment status of that teacher for the ten-year life of the certificate. ~~for the first two years following receipt of the NBPTS certification.~~
- 8.02 The local public school district who employs a NBPTS candidate must report to the ADE, Coordinator, Office of Professional Licensure if that NBPTS candidate does not complete the certification process within three (3) years after entry into the NBPTS certification program. No person shall receive either a starting bonus or a yearly bonus if the person leaves the full-time employment of an Arkansas public school district; becomes employed as a district-level central office administrator (subject to the provisions of Section 4.03); is employed by an Arkansas institution of higher education; or is employed by an education service cooperative and does not teach in a classroom with students as defined in Sections 3.05-3.06 of these rules and regulations.